

REMARKS

Reexamination and reconsideration of claims 1, 3-21, and 23-30, and consideration of new claim 32, are respectfully requested. Claims 2, 22, and 31 were cancelled without prejudice. Additionally, the Examiner's consideration of the Information Disclosure Statement is acknowledged with appreciation.

Claims 1-3, 5-11, 23-26 and 28-31 were rejected under 35 U.S.C. sec. 102(e) applying U.S. Pat. App. Pub. No. U.S. 2001/0043781 ('781). The '781 publication discloses a groove 2a provided on the inner surface of sheath 2 with a ripcord 3 fitted within the groove 2a. See the Abstract of the '781 publication. For a patent to be applicable under sec. 102(b), the patent must, *inter alia*, disclose each and every feature of the claimed invention.

It is respectfully submitted that at least each and every feature of claims 1 and 23 are not disclosed, taught, or otherwise suggested either explicitly, or inherently, by the '781 publication. The amendment of claims 1 and 23 is not an admission that the art of record teaches, discloses, or otherwise suggests the features of the claims. Specifically, the '781 publication merely discloses that ripcord 3 may be a metal wire. Moreover, paragraph [0032] of the '781 merely states that "[a]s a preventive method against the whole ripcord slipping out of the groove, the width of the opening may be made narrower than the thickness of the ripcord." See the '781 publication at paragraph [0032]. Stated another way, the '781 publication relates the width of the opening to the thickness of the ripcord.

On the other hand, claim 1 recites, *inter alia*, that the ripcord is an electrically conductive material having a surface roughness formed thereon, thereby enhancing its ripping characteristics. See the present application at p. 6, ll. 27-33. Thus, the '781 patent does not teach, disclose, or otherwise suggest each and every feature of claim 1. For at least this

reason, withdrawal of the sec. 102(b) rejection of claims 1-3 and 5-11 is warranted and is respectfully requested.

Claims 12-13 and 15-22 were rejected under 35 U.S.C. sec. 103(a) applying the '781 publication without a teaching reference. For a publication to be applicable under sec. 103(a), the publication must, *inter alia*, expressly or inherently, teach, disclose, or otherwise suggest each and every feature of the claimed invention.

It is respectfully submitted that at least each and every feature of amended claim 12 is not disclosed, taught, or otherwise suggested either explicitly, or inherently, by the '781 publication. Moreover, the amendment of claim 12 with the subject matter of dependent claim 22 is not an admission that the art of record teaches, discloses, or otherwise suggests the features of the claim.

Specifically, the '781 publication merely discloses ripcords being "...an alamide fiber cord, a polyester fiber cord or a metal wire...", rather than an electrically semi-conductive material having a resistivity being in the range of about 150 micro-ohms per centimeter to about 3000 micro-ohms per centimeter. See the '781 publication at paragraph [0030]. For at least these reasons, withdrawal of the sec. 103(a) rejection based on the '781 publication of claims 12-13 and 15-22 is warranted and is respectfully requested.

Additionally, claims 4 and 14 were rejected under 35 U.S.C. sec. 103(a) applying the '781 publication in view of the U.S. Pat. No. 5,970, 196 ('196). For publications to be applicable under sec. 103(a), the combination of teachings must, *inter alia*, expressly or inherently, teach, disclose, or otherwise suggest each and every feature of the claimed invention. Additionally, motivation and suggestion to combine the publications must be present.

It is respectfully submitted that claim 4 is allowable for

at least the reasons stated above with respect to claim 1. Therefore, withdrawal of the sec. 103(a) rejection of claim 4 is warranted and is respectfully requested.

As an independent basis, it is respectfully submitted that at least each and every feature of claim 4 and amended claim 12 are not disclosed, taught, or otherwise suggested either explicitly, or inherently, by the purported combination of references. Specifically, the skilled artisan would have understood that at Col. 3, ll. 50-53 the '196 patent discusses removable sections 30, rather than ripcords as asserted in the Office Action. See p. 4 of the Office Action dated July 21, 2003.

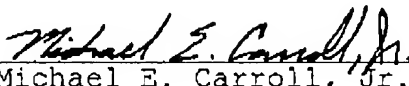
In other words, removable sections 30 of the '196 patent are not ripcords. Moreover, the objective evidence of the '196 patent clearly supports Applicants' position since a ripcord 17 is expressly disclosed and depicted in Fig. 1. Further, the '196 patent states that "[a] ripcord 17 is interposed between tape 16 and strength member 18." See the '196 patent at Col. 3, ll. 35-37. For at least these reasons, withdrawal of the sec. 103(a) rejection claims 4 and 14 is warranted and is respectfully requested.

Eighteen dollars are believed due in connection with this Reply for the addition of one new dependent claim in excess of twenty. If any fees are due in connection with this Reply, please charge any fees, or credit any overpayment, to Deposit Account Number 19-2167.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,


Michael E. Carroll, Jr.
Attorney
Reg. No. 46,602
P.O. Box 489
Hickory, N. C. 28603
Telephone: 828/901-6725

RECEIVED
CENTRAL FAX CENTER
OCT 14 2003

Date: October 14, 2003